

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SHA-HEED RAHMAN,

Plaintiff,

v.

9:10-CV-1496 (BKS/TWD)

S. A. CONNELL, *et. al.*,

Defendants.

APPEARANCES:

OF COUNSEL:

Sha-Heed Rahman, *Plaintiff pro se*
90-A-0409
Otisville Correctional Facility
Box 8
Otisville, NY 10963

Hon. Eric T. Schneiderman
New York State Attorney General
The Capitol
Albany, NY 12224

Tiffinay M. Rutnik, Esq.
Assistant Attorney General

Hon. Brenda K. Sannes, United States District Judge

ORDER

On November 15, 2012, plaintiff Sha-Heed Rahman filed a pro se amended complaint under 42 U.S.C. § 1983 alleging that corrections officers at Mid-State and Oneida Correctional Facilities violated his constitutional rights. (Dkt. No. 56). On December 5, 2014, defendants filed a motion for summary judgment seeking to dismiss plaintiff's sole remaining claim – that defendants Susan Connell and Anne Joslyn violated plaintiff's First Amendment right to exercise his religion. (Dkt. No. 95). The motion was referred to United States Magistrate Judge Therese

Wiley Dancks who, on July 14, 2015, issued a Report-Recommendation and Order, recommending that defendants' motion for summary judgment be granted because plaintiff failed to exhaust his administrative remedies. (Dkt. No. 102). Magistrate Judge Dancks advised plaintiff that he had fourteen days to file written objections to the report and that the failure to object within fourteen days would preclude appellate review. (*Id.*, p. 9). The Report-Recommendation and Order was served on plaintiff by regular mail on July 14, 2015, and no objections to the Report-Recommendation have been filed. (*Id.*).

Since no objections to the Report-Recommendation have been filed, and the time for filing objections has expired, the Court has reviewed the Report-Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228-29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee's note to the 1983 addition. Under this standard, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.* Having reviewed the Report-Recommendation and having found no clear error, it is hereby:

ORDERED that the Report-Recommendation (Dkt. No. 102) is **ADOPTED** in its entirety for the reasons stated therein; and it is further

ORDERED that defendants' motion for summary judgment (Dkt No. 95) is **GRANTED**; and it is further

ORDERED that plaintiff's amended complaint (Dkt. No. 56) is **DISMISSED**; and it is further

ORDERED that the Clerk is directed to close this case; and it is further

ORDERED that the Clerk of the Court shall serve a copy of this Order upon plaintiff in accordance with the local rules.

IT IS SO ORDERED.

Dated: August 10, 2015
Syracuse, New York

A handwritten signature in black ink, reading "Brenda K. Sannes". The signature is written in a cursive, flowing style. The first name "Brenda" is written in a larger, more prominent script, followed by "K." and "Sannes". The signature is positioned above a horizontal line.

Brenda K. Sannes
U.S. District Judge